

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANKLIN BARRIOS,

Plaintiff,

v.

TORRES, et al.,

Defendants.

Case No. 1:20-cv-01234-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
DEFENDANT AND TO ALLOW PLAINTIFF
TO PROCEED ON HIS COGNIZABLE
CLAIMS AGAINST THE REMAINING
DEFENDANTS

(ECF No. 21)

Plaintiff Franklin Barrios (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 17, 2023, the assigned Magistrate Judge filed findings and recommendations, recommending that Plaintiff’s complaint be dismissed, except for the access to courts claim seeking damages against Defendant Torres in her individual capacity and the access to courts claim seeking injunctive relief against Defendant Diaz in his official capacity. Additionally, the Court recommended that Defendant Newsom be dismissed from the action. (ECF No. 21.) The assigned Magistrate Judge provided Plaintiff fourteen days within which to file any objections to the findings and recommendations. (*Id.* at 7-8.) No objections have been filed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and
3 recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on January 17, 2023, (ECF No. 21), are
6 ADOPTED in full;
- 7 2. The claims in Plaintiff's complaint are DISMISSED, except for his access to courts
8 claim seeking damages against Defendant Torres in her individual capacity and his
9 access to courts claim seeking injunctive relief against Defendant Diaz in his official
10 capacity;
- 11 3. Defendant Newsom is DISMISSED from this action; and
- 12 4. The matter is referred back to the assigned Magistrate Judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: February 17, 2023


UNITED STATES DISTRICT JUDGE